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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of : S. HERWECK, et al.
Serial Number : 10/045,544
Filed : October 26, 2001
For : BODY FLUID CARTRIDGE EXCHANGE PLATFORM
DEVICE

Group Art Unit : Not Assigned
Examiner : Not Assigned
Paper Number :

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OFFICE OF PETITIONS

Docket Number : ATA-333

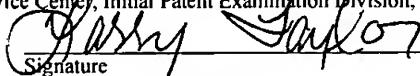
**PETITION UNDER 37 CFR §1.53(e)(2) FAILURE TO MEET FILING DATE
REQUIREMENTS**

**REQUESTING ACCEPTANCE OF ITEMS IN RESPONSE TO A NOTICE OF
 OMITTED ITEMS IN A NON-PROVISIONAL APPLICATION**

"Express Mail" Mailing Label Number EL 931 674 758 US

Date of Deposit 5-2-02

I hereby certify that this transmittal letter and the papers referred to as being enclosed therein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, Customer Service Center, Initial Patent Examination Division, Washington, DC 20231.


Signature

Larry Taylor

Please Print Name of Person Signing

The Commissioner for Patents
Customer Service Center
Initial Patent Examination Division
Washington, D.C. 20231

Adjustment date: 07/18/2002 AKELLEY --
05/09/2002 GTEFFERA 00000018 10045544
01 FC:122 Dear Sir: -130.00 CR
Repln. Ref: 07/18/2002 AKELLEY 0008341900
DAH:120080 - Name/Number:10045544
FC: 704 \$130.00 CR

Petitioner hereby petitions for the acceptance of items allegedly omitted from US Non-Provisional Application No. 10/045,544, and for the priority date of October 26, 2001 to be given such items. The appropriate petition fee set forth in 37 CFR §1.17(h) is included herewith, along with evidence of the original deposit.

05/09/2002 GTEFFERA 00000018 10045544

01 FC:122

130.00 CR



Petitioner asserts that all pages of the Specification, including missing pages 16, 27, 30, and 49, were submitted with the original Application on October 26, 2001. The Application was hand counted immediately prior to being placed into the Express Mail envelope and mailed to the USPTO. A copy of the original postcard listing the contents of the Application is included as evidence of what was submitted on October 26, 2001. In addition, a complete duplicate copy of the Specification is also included as a true copy of the document filed on October 26, 2001.

As such, Petitioner respectfully requests the acceptance of the enclosed pages 16, 27, 30, and 49, and insertion of these pages into the file for the Application No. 10/045,544 with the same priority date as all other portions of the Application of October 26, 2001.

This Petition is being timely filed after Petitioner first became aware that the US Patent Office was missing pages 16, 27, 30, and 49.

Please charge any shortage or credit any overpayment of fees to our Deposit Account No. 12-0080. Any fee due is authorized to be charged to the aforementioned Deposit Account. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

PETITIONER


By: Sean D. Detweiler, Esq.
Reg. No. 42,482
Applicant's Attorney

Date: May 2, 2002

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REQUEST FOR PATENT FEE REFUND				
1 Date of Request: <u>7/8/02</u>		2 Serial/Patent # <u>10/045,544</u>		
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
<input type="checkbox"/>	Filing			\$
<input type="checkbox"/>	Amendment			\$
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<input checked="" type="checkbox"/>	Petition	3	5/2/02	\$ 130
<input type="checkbox"/>	Issue			\$
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		7 TOTAL AMOUNT OF REFUND	\$ 130	
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10 REASON:		<input type="checkbox"/> Treasury Check <input type="checkbox"/> Overpayment <input checked="" type="checkbox"/> Credit Deposit A/C #: <input type="checkbox"/> Duplicate Payment <input type="checkbox"/> 1 2 -- 0 0 8 0 <input checked="" type="checkbox"/> No Fee Due (Explanation): <i>Notice is vacated</i>		
11 REFUND REQUESTED BY: <u>C. Donnell</u>				
TYPED/PRINTED NAME: <u>C. Donnell</u>		TITLE: <u>Petitions Attorney</u>		
SIGNATURE: <u>C. L. Donnell</u>		PHONE: <u>306-5589</u>		
OFFICE: <u>4700</u>		***** THIS SPACE RESERVED FOR FINANCE USE ONLY *****		
APPROVED: <u>Alissa Kelly</u>		DATE: <u>7/8/02</u>		

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THE "RECEIVED" STAMP OF THE PATENT AND TRADEMARK OFFICE
IMPRINTED HEREON ACKNOWLEDGES THE FILING OF:

Description of Paper* and No.: New utility application including: Specification (55 pgs.); Claims (7 pgs.); Abstract (1 pg.); 10 Sheets of Drawings; Application Transmittal Form (2 pgs., in duplicate); Application Data Sheet (3 pgs.); Executed Declaration, Petition and Power of Attorney (6 pgs.); Assignment (2 pgs.); Assignment Recordation Cover Sheet (1 pg.); Checks for \$745.00 (filing fee, small entity) and \$40.00 (recordation fee); and this return postcard.

TITLE: BODY FLUID CARTRIDGE EXCHANGE PLATFORM DEVICE

Name of Applicant(s): Steve A. Herweck and Paul Martakos

Intf. or Serial No.: Not Yet Assigned

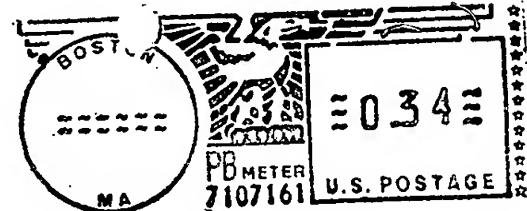
Atty: Sean D. Detweiler, Esq.

Date: October 26, 2001

*with Certificate of Express Mailing No. EL 833315738 US

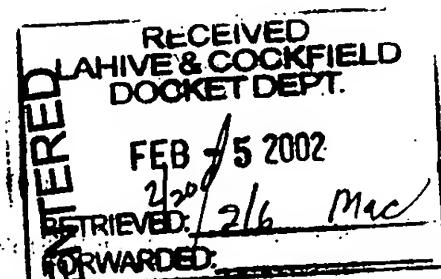
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